IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 11330 of 2007(W)

PETITIONER:

S.SANTHAMMA, AGED 54 YEARS,
WIFE OF LATE KUMARESAN, TELEPHONE MECHANIC,
BHARAT SANCHAR NIGAM LIMITED, TELEPHONE BHAVAN,
ALAPPUZHA. RESIDING AT C/O SANTHOSH,
'LAKSHMI NIVAS', M.S.PO, PATHIRAPALLI, ALAPPUZHA.

BY ADV. SRI.T.C.GOVINDA SWAMY
SMT.D.HEERA

RESPONDENTS:

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1. THE ACCOUNTS OFFICER(TAO ESTT.)
OFFICER OF THE GENERAL MANAGER(TELECOME)
BHARAT SANCHAR NIGAM LIMITED, ALAPPUZHA-11

2. THE SPECIAL DEPUTY TAHSILDAR(RR)
KSFE LIMITED, HP UNIT, KUMARANASAN SMARAKA
MANDIRAM, COURT ROAD, ALAPPUZHA-1

3. THE BRANCH MANAGER, KERALA STATE
FINANCIAL ENTERPRISES LTD.,
MULLAKKAL BRANCH, ALAPPUZHA.

4. SHRI B.RAJU, 'SHYAM NIVAS',
NEAR KAITHATTIL TEMPLE,
NEAR VILLAGE OFFICE, AVLUKUNNU P.O.,
SOUTH ARIYADU, ALAPPUZHA-6.

R3 BY ADV. SRI.T.NAVEEN, SC, K.S.F.E. LTD.
R1 BY ADV. SRI.MATHEWS K. PHILIP, SC, BSNL
SRI.C.S.RAMANATHAN, SC, BSNL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF SALARY SLIP OF THE PETITIONER FOR THE MONTH OF JANUARY 2007.

P2: TRUE COPY OF DEMAND NOTICE DT.21.7.2006, ISSUED BY R2.

P3: TRUE COPY OF PROHIBITORY ORDER DT.20.10.06 ISSUED BY R2.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.11330 of 2007

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Dated this the 15th day of June, 2007.

JUDGMENT

The petitioner is a guarantor for the loan availed by 4th respondent. Standing Counsel for KSFE submitted that pursuant to instalment facility granted by the Government, debtor is clearing the arrears in instalments. In the circumstances, W.P. is disposed of directing respondents not to proceed for attachment of petitioner's salary or other recovery against the petitioner. However, if default is committed by 4th respondent, recovery will be made against his properties and assets and in case of failure, recovery can be made against the petitioner and other guarantors.

C.N.RAMACHANDRAN NAIR
Judge

pms